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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,806	03/29/2004	Richard W. Smith		9690

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EXAMINER

LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/810,806	SMITH, RICHARD W.	
	Examiner	Art Unit	
	Edward F. Landrum	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-17 and 19 is/are rejected.
- 7) ☐ Claim(s) 11, 13, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12, 14-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Garratt (U.S. Patent No. 1,108,898)

Regarding claims 1, and 17, Garratt teaches (see Figures 6-9) a stitch tab scrap stripper comprising a pivot arm having a stripping segment (15 and 16), a biasing segment (23), and a pivot shaft (17) intermediate the biasing and stripping segments as well as attached to die block (6). Furthermore, Garrett teaches a biasing means (24 and 25) engaging the biasing segment (23) for the purpose of opposing movement of the stripper about the pivot shaft (17). The engaging edge of the stripper segment (15 and 16) is spaced away from pivot shaft (17).

Regarding claim 17, applicant has not provided a particular structural relationship between the die block and the male slotter head. In view of this the device of Garratt is capable of being secured to a male slotter head even if indirectly, such as spaced from the male slotter head, to be used in an intervening, connected apparatus. In other words, the language used is a functional limitation that in and of itself does not further limit the operation of the claimed apparatus.

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Regarding claim 3, Garratt teaches the biasing means (24 and 25) includes a resilient member (24).

Regarding claim 4, A spring is considered a resilient strip.

Regarding claim 5, Garratt teaches (see Figures 6-8) the resilient member (24) is a spring.

Regarding claim 6, Garratt teaches (see Figures 6-8) the resilient member (24) connected to the die block (6) by means of a stud (25).

Regarding claim 7, Garratt teaches (see Figure 6-8) the resilient member (24) is a coil spring.

Regarding claim 8, Garratt teaches (see Figures 6-8) the spring (24) having an end spaced away from the pivot shaft, the end having a hole in it, and the biasing stud (25) passing through the hole.

Regarding claim 9, Garratt teaches (see Figures 6-8) the coil spring (24) has an end positioned about the stud (25) and an end attached to the free end of the biasing segment (23).

Regarding claim 10, Garratt teaches (see Figure 9) stitch tab scrap stripper including a spring retainer block (6).

Regarding claim 12, Garratt teaches (see Figure 9) an actuator (18), which is considered a fulcrum block, attached to the biasing segment (23) by means of the pivot shaft (17).

Regarding claims 14, and 15, Garratt teaches (see Figures 6-10) the stripper segment (15) and the biasing segment (23) being coplanar in the horizontal plane and not coplanar in the vertical plane.

Regarding claim 16, Garratt teaches (see Figure 9) two pins attached to stripper segment (15 and 16). The first pin located at the inboard end of the stripper segment (15 and 16) and located closest to the pivot shaft (17). The second located at the outboard end of the stripper segment (15 and 16) and located outboard of the first pin.

Regarding claim 19, to the extent the claim is defined, Garratt teaches the biasing means (24 and 25) moves the stripper segment (15 and 16) in a "stitch tab stripping direction."

Regarding claim 2, Garratt fails to explicitly teach a journal supporting the pivot shaft (17), however the examiner takes official notice that placing a journal on the pivot shaft to allow help eliminate friction between the biasing segment and the pivot shaft as well as the stripper segment and the pivot shaft is inherent.

Allowable Subject Matter

Claims 11, 13, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Bishop (U.S Patent No. 4,367,069), Simpson et al (U.S Patent No. 5,111,725), Elsner et al (U.S Patent No. 5,363,728), and Bell (U.S Patent No. 4,295,842) teach stripping devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL
9/30/05


Allan N. Shoap
Supervisory Patent Examiner
Group 3700